

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED
MAY 29 2008

Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
Embarq Local Operating Companies)	
Section 63.71 Application to Discontinue)	WC Docket No. _____
Expanded interconnection Service Through)	
Physical Collocation)	

EMBARQ SECTION 63.71 APPLICATION

Pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214, and Section 63.71 of the Commission's rules, 47 C.F.R. §63.71, the Embarq local operating companies ("Embarq") hereby apply to discontinue provision through their federal tariffs of expanded interconnection services through physical collocation in the States of Florida, Indiana, Missouri, Nevada, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia. Expanded interconnection through virtual collocation will continue to be available through the interstate tariff¹, and physical collocation will continue to be available to qualifying customers² through interconnection agreements filed with the state commissions pursuant to Section 252, (47 U.S.C. §252).

The Commission's rules do not require incumbent local exchange carriers ("ILECS") to provide expanded interconnection through physical collocation. See 47 C.F.R. §64.1401(c).

¹ F.C.C. No. 1 Section 17.6 Expanded Interconnection Service Virtual Collocation and 17.7(B) Rates.

² Physical collocation is available pursuant to Section 251(c)(6) (47 U.S.C. §251(c)(6)) to carriers that are interconnecting with the ILEC's network for the transmission and routing of telephone exchange and exchange access service or for the purpose of accessing the ILEC's unbundled network elements.

Rather, the rules require ILECs to offer expanded interconnection through virtual collocation, but give the carriers the option of offering physical collocation in lieu of virtual collocation.

Upon grant of this Application Embarq will discontinue providing expanded interconnection through physical collocation in the federal tariffs for new customers, but will "grandfather" existing physical expanded interconnection arrangements so that those existing customers can remain in service under the federal tariff. Qualifying customers seeking new physical collocation arrangements will be able to order such arrangements through existing or new interconnection agreements pursuant to Sections 251(c)(6) (47 U.S.C. §251(c)(6)) and Section 252 (47 U.S.C. §252). As provided in the Commission's rules (47 C.F.R. §64.1401(c)), Embarq will continue to offer expanded interconnection through virtual collocation in the federal tariff.

Since the Telecommunications Act of 1996,³ the Commission has focused on adopting rules for collocation through interconnection agreements, not expanded interconnection.⁴ These Commission rules have lead to the State development of detailed rates, terms, and conditions for collocation through Section 252 in connection agreements and arbitration procedures; often different and even contradictory to the rates, terms, and conditions for expanded interconnection through physical collocation in the federal tariff.

A good example of these differences, and the issues such differences trigger, are the differences in rate levels and rate structures in the federal tariff for expanded interconnection

³ Telecommunications Act of 1996, Pub. L. No. 104-104.

⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd (1996) ("Local Competition Order"), *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 14 FCC Rcd 4761 (1999) ("Advanced Services Order"), *Order on Reconsideration*, 15 FCC Rcd 17806 (2000), and *Fourth Report and Order*, 16 FCC Rcd 15435 (2001).

through physical collocation and the rate levels and rate structures in the Section 252 interconnection agreements. As a result, carrier customers attempt to establish their arrangement based strictly on rates rather than on the service they provide and what arrangement are they therefore legally entitled to. This in turn produces confusion, disagreements, and delay. Rather than continuing this troubling arrangement and attempting to maintain both a tariff and interconnection agreements for arrangements that are essentially the same thing, but are governed by different rules and rate structures, Embarq has decided to discontinue the offering of expanded interconnection through physical collocations in the federal expanded interconnection tariff and to provide this service for new arrangements to qualifying customers exclusively through interconnection agreements.

When the Commission made expanded interconnection through physical collocation optional for ILECs, it did so as a means of gaining an exemption from expanded interconnection through virtual collocation. It also stated that ILECs that voluntarily offered expanded interconnection through physical collocation could later withdraw such service through a Section 214 application to discontinue.

A LEC will qualify for an exemption from the mandatory virtual collocation requirements only if it voluntarily provides physical collocation subject to all the rules relating to physical collocation that are set forth in this order. As part of that regulation, a LEC that has chosen to provide physical collocation at particular central offices will not be permitted to withdraw its physical collocation offering for customers' existing physical collocation nodes at those offices, for either current or new circuits, without Commission certification pursuant to Section 214 of the Communications Act that such a discontinuation of service will not adversely affect the present or future public convenience and necessity.⁵

⁵ *In the Matter of Expanded Interconnection with Local Telephone Company Facilities*, 9 FCC Rcd 5154, 5166 (1994).

As demonstrated in this Application, Embarq's discontinuance of expanded interconnection through physical collocation will neither harm present or future public convenience and necessity. First, Embarq will grandfather existing customers so that those existing customers can remain in service under the federal tariff. Second, new arrangements for expanded interconnection through virtual collocation will be available through federal tariffs. And third, new customers that qualify for Section 251 collocation may obtain same through interconnection agreements.

Further, the requirements of Section 63.71 applications are set forth:

(1) Name and address of carriers:

See Attachment A.

(2) Date of planned service discontinuance:

The Applicant will discontinue service within 30 days of the Commission's approval of this Application.

(3) Points or geographic areas of service affected:

Expanded interconnection through physical collocation in the Embarq local operating companies' operating areas in the states of Florida, Indiana, Missouri, Nevada, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia.

(4) Brief description of type of service affected:

Expanded interconnection through physical collocation.

(5) Brief description of the dates and methods of notice to all affected customers:

Notice was sent by e-mail on or before the filing of this Application to affected customers. A sample copy of the customer notifications sent to affected customers is included as Attachment B to this Application.

- (6) **Whether Embarq is considered dominant or non-dominant with respect to the service to be discontinued, reduced or impaired:**

Embarq is considered dominant in the provision of expanded interconnection through physical collocation.

Embarq has also notified and is attaching a copy of such notification to this Application as Attachment C, (1) the state regulatory commissions of the states listed in number 3 above; (2) the Governors of the states listed in number 3 above; and (3) the Secretary of Defense, Attn: Special Assistant for Telecommunications, Pentagon, Washington, D.C. 20301.

Respectfully submitted,

EMBARQ LOCAL OPERATING COMPANIES



By: _____

Craig T. Smith
5454 West 110th Street
Overland Park, KS 66211
(913) 345-6691

John E. Benedict
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Suite 820
Washington, DC 20004
(202) 393-7113

May 29, 2008

Attachment A

Embarq Florida, Inc.
1313 Blairstone Road
Tallahassee, Florida 32301-3040
(For the State of Florida)

United Telephone Company of Indiana, Inc.
665 Lexington Avenue
Mansfield, Ohio 44907
(For the State of Indiana)

Embarq Missouri, Inc.
5454 West 110th Street
Overland Park, Kansas 66211
(For the State of Missouri)

Central Telephone Company
330 South Valley View Boulevard
Las Vegas, Nevada 89152
(For the State of Nevada)

United Telephone Company of New Jersey, Inc.
240 North 3rd Street
Harrisburg, Pennsylvania 17101-1521
(For the State of New Jersey)

Carolina Telephone and Telegraph LLC
Central Telephone Company
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
(For the State of North Carolina)

United Telephone Company of Ohio
665 Lexington Avenue
Mansfield, Ohio 44907
(For the State of Ohio)

The United Telephone Company of Pennsylvania LLC
240 North 3rd Street
Harrisburg, Pennsylvania 17101-1521
(For the State of Pennsylvania)

United Telephone Southeast LLC
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
(For the states of Tennessee and Virginia)

Central Telephone Company of Virginia
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
(For the state of Virginia)

CARRIER NOTICE

EMBARQ has filed a section 214 application to discontinue providing expanded interconnection through physical collocation in its federal tariffs for the EMBARQ states – Florida, Indiana, Missouri, Nevada, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia. EMBARQ expects to file tariffs to discontinue this service in the third quarter of 2008 upon FCC approval of the EMBARQ section 214 application. No customer with a federal physical collocation arrangement that is in operation or on order as of the date of the discontinuance will lose that arrangement. EMBARQ will allow those arrangements to continue under the charges in the federal tariff. In addition, EMBARQ will continue to offer expanded interconnection through virtual collocation in the federal tariff and physical collocation to qualified carriers and through interconnection agreements.

The Federal Communications Commission will normally authorize this proposed discontinuance of service, unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 30 days after receipt of this notification. Address them to:

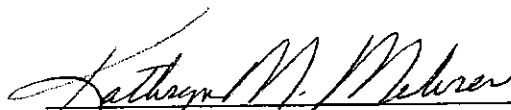
Federal Communications Commission
Ref: EMBARQ Section 63.71 Application
Washington, DC 20554

Comments should provide specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

Customers may also e-mail their comments to the FCC at fccinfo@fcc.gov.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May 2008, I caused one copy of the foregoing "Section 63.71 Application" was sent to the following by first class mail, postage prepaid or email.



Pamela Arluk
Assistance Chief, Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street SW
Washington DC 20554
pamela.arluk@fcc.gov

Albert Lewis
Chief, Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
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445 Twelfth Street SW
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Randolph L. Smith
Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street SW
Washington DC 20554
randolph.smith@fcc.gov

Secretary of Defense
Attn: Special Assistant for Telecommunications
Pentagon
Washington, D.C. 20301

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Office of Governor Charlie Crist
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Indiana Utility Regulatory Commission
101 West Washington Street, Ste. 1500E
Indianapolis, IN 46204

The Honorable Mitchell E. Daniels, Jr.
Statehouse
200 West Washington Street
Indianapolis, Indiana 46204-2797

Missouri Public Service Commission
Governor Office Building
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102-0360

Office of the Governor
Room 216, State Capitol Building
Jefferson City MO 65101

Nevada Public Utilities Commission
Crystal Jackson, Commission Secretary
1150 E. William Street
Carson City, NV 89701-3109

The Honorable Gov. Jim Gibbons
State Capitol
101 N. Carson Street
Carson City, NV 89701

Kristi Izzo
New Jersey Board of Public Utilities
Two Gateway Center, 9th Floor
Newark, NJ 07102

The Honorable Jon Corzine
Office of the Governor
125 West State Street
P.O. Box 001
Trenton, NJ 08625

Director - Public Staff
North Carolina Utilities Commission
4326 Mail Service Center
Raleigh, NC 27699-4326

The Honorable Mike Easley
20301 Mail Service Center
Raleigh, NC 27699-0301

Ohio Public Utilities Commission
180 East Broad Street
Columbus, OH 43215

The Honorable Ted Strickland
Riffe Center, 30th Floor
77 South High Street
Columbus, Ohio 43215-6108

James J. McNulty
Pennsylvania Public Utilities Commission
400 North Street, 2nd Floor
Harrisburg, PA 17101

The Honorable Edward Rendell
Office of the Governor, Room 225
Main Capitol Building
Harrisburg, PA 17120

Tennessee Regulatory Authority
470 James Robertson Parkway
Nashville, TN 37243-0505

The Honorable Phil Bredesen
Governor's Office
TN State Capitol
Nashville, TN 37243-0001

Virginia State Corporation Commission
P.O. Box 1197
Richmond, VA 23218

The Honorable Timothy M. Kaine
Patrick Henry Building, 3rd Floor
111 East Broad Street
Richmond, VA 23219